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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JAMES BLANCHARD

Plaintiff,

vs.

MEDSHAPE, INC., a Georgia corporation;
KENNETH A. GALL, an individual, and J.
KURT JACOBUS, an individual.

Defendants.

Civil No.: _____

**NOTICE OF REMOVAL TO FEDERAL
COURT**

Pursuant to 28 U.S.C. § 1441

For the purpose of removing this action to the United States District Court for the District of Oregon, Defendants Medshape, Inc., a Georgia corporation, Kenneth A. Gall, an individual, and J. Kurt Jacobus, and individual, (collectively "Defendants") allege as follows:

Procedural Posture – State Court Action

1. This is a civil action commenced in the Circuit Court for the State of Oregon for the County of Multnomah, Case No. 140100157, entitled *James Blanchard v. Medshape, Inc., a Georgia corporation; Kenneth A. Gall, an individual, and J. Kurt Jacobus, an individual*.
2. On January 15, 2014, plaintiff served Summons and Complaint on Defendant Medshape, Inc.
3. The following constitutes all the process, pleadings, and orders served upon Defendant Medshape, Inc. in this action: A Summons and Complaint, copies of which are attached as Exhibits A and B and incorporated herein as part of this Notice of Removal.

State of Applicable Law – Jurisdiction

4. According to the Complaint, Plaintiff is a resident of the state of Oregon.
5. Defendant Medshape, Inc. is a Georgia corporation with its principal place of business in Georgia.
6. Defendant J. Kurt Jacobus is a resident of the state of Georgia.
7. Defendant Kenneth A. Gall is a resident of the state of Georgia.
8. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. Section 1332, and may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. Section 1441 in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.
9. Pursuant to LR 3-2(a), venue is proper in Portland Division of the U.S. District Court for the District of Oregon because the action was filed in Multnomah County Circuit Court.


10. The Notice of Removal of Civil Action is filed with this Court within 30 days after service on Defendants Medshape Inc., Kenneth A. Gall, and J. Kurt Jacobus.

11. Pursuant to 28 U.S.C. Section 1446(d), copies of this Notice of Removal are being served upon the attorneys representing Plaintiff and are being filed with the Clerk of the Circuit Court of the State of Oregon for Multnomah County.

WHEREFORE, Defendants Medshape, Inc., Kenneth A. Gall, and J. Kurt Jacobus pray that the above action now pending against them in the Circuit Court of the State of Oregon for the County of Multnomah be removed to this Court.

Dated this 13th day of February, 2014.

SMITH FREED & EBERHARD, P.C.


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Of Attorneys for Defendants

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ATTORNEYS FOR DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JAMES BLANCHARD

CASE NO. _____

Plaintiff,

CERTIFICATE OF SERVICE

vs.

MEDSHAPE, INC., a Georgia corporation; KENNETH
A. GALL, an individual, and J. KURT JACOBUS, an
individual.


Defendants.

I hereby certify that on February 13, 2014, I served the foregoing NOTICE OF
REMOVAL on:

Courtney Angeli, OSB No. 941765 Courtney@baaslaw.com Robin Bowerfind, OSB No. 03594 robin@baaslaw.com Phone: 503-974-5015 Fax: 503-364-2655

- _____ by facsimile transmission thereof to the number shown above, and
- X by mailing copies thereof, placed in a sealed envelope addressed as listed above and deposited in the United States mail at Portland, Oregon, and that postage thereon was fully prepaid.
- X by e-mail transmission to the e-mail address listed above.
- _____ by electronically filing the foregoing with the U.S. District Court. Notice will automatically be electronically emailed to the attorneys above who are registered with the U.S. District Court CM/ECF System and who are currently on the list to receive e-mail notices for this case as of the date listed above.

SMITH FREED & EBERHARD, PC

By: 
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